

## CHAPTER 312 POLICE DEPARTMENT

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**312-01. Police Chief; Term of Office.** The term of office for the chief of police shall be 4 years.

**312-03. Duties of Chief of Police.** 1. TO ENFORCE THE LAW. The several policemen appointed in said city shall be in subordination to and under the control and direction of the chief of police. It shall be the duty of the chief of police to cause the public peace to be preserved and to see that all the laws and ordinances of the city are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He shall cause to be made and keep a record of his proceedings which he may deem necessary. He shall be responsible for the efficiency and general good conduct of the department.

2. TO ESTABLISH WORK SHIFTS AND HOLIDAY SCHEDULES. The chief of police shall assign to each police officer work shifts of 8 consecutive hours which in the aggregate result in an average work week of 40 hours. The chief shall assign every officer

12 days off with pay in lieu of holidays per fiscal year, one 8-hour period of which shall be designated by the chief to commemorate Dr. Martin Luther King Jr.'s birthday.

3. Such work days off in lieu of holidays shall be included in computing the aforesaid average work week of 40 hours.

4. The scheduling of work shift assignments and work days off in lieu of holidays shall be controlled by the chief of police.

**312-05. Not to Accept Gifts.** No policeman shall accept or receive from any person while in custody, or after such person shall have been discharged, or from any such person's friends, any gratuity, reward or gift, directly or indirectly, or any article or things as compensation for damages sustained in the discharge of his duty, without a written permission from the chief of police.

**312-07. Information to Outsiders.** No member of the police force shall communicate to any person any information which may enable persons to escape from arrest or punishment, or enable them to dispose of or secret any goods or other valuable thing stolen or embezzled.

**312-09. Information Respecting Orders.** No member of the police force shall communicate, except to such persons as directed by the chief of police any information respecting any orders he may have received or any regulations that may be made for the government of the department.

**312-11. Leave of Absence; Political Activity.** No member of the police department shall be absent from duty or leave the city without the permission of the chief of police, nor shall any member of the police department be engaged in political activity except when off duty and not in uniform.

## **312-13 Police Department**

**312-13. Auxiliary Police Service. 1. ESTABLISHED.** An auxiliary police service is established to be a volunteer organization, the members thereof to be appointed by the chief of police and who shall serve without pay or remuneration for their services, to be composed of not to exceed 5,000 members, separate and distinct from the regular police department of the city. The auxiliary police shall not be deemed special police within the meaning of s. 3-01 of the city charter, and nothing contained in such section shall be applicable to the auxiliary police.

**2. CHIEF OF POLICE TO HAVE COMMAND.** The chief of police shall have the authority to command, train, control and supervise the auxiliary police.

**3. ELIGIBILITY AND APPOINTMENT.** No person shall be eligible for or deemed a member of the auxiliary police until such person has been appointed and registered as such and that person's name enrolled upon a register of members to be kept by the chief of police. No person shall become a member of the auxiliary police who is not a citizen of the United States and until such person has taken an oath subscribed to in writing to observe and obey the constitution of the United States, the laws of the state of Wisconsin, and the ordinances of the city of Milwaukee. Such oath shall further provide that such members will carry out the duties of a member of the auxiliary police service as prescribed by the chief of police of this city to the best of such member's ability. No person shall become a member of the auxiliary police who is not at least 18 years of age, with a maximum age to be determined at the discretion of the chief of police. Recruitment of said auxiliary police is to be accomplished through press releases to a news media when recruits are needed.

**4. DUTIES OF MEMBERS.** The duties of each member shall be to carry out the commands and directions of the chief of police and to assist the regular members of the police department of this city in the enforcement of law and the maintenance of peace and order during a period of extreme emergency arising from the imminence of or the existence of a war or major natural disaster. The chief of police may by written order establish rules and regulations to govern the training and use of

the auxiliary service, to fix the specific duties of each of its members and to provide for the maintenance of discipline. The chief of police may change such orders from time to time as the needs of the auxiliary police service require, according to the chief of police's judgment. The chief of police may command members of the auxiliary police to follow the instructions or orders of the regular police officers in carrying out their duties. The chief of police may prescribe additional duties other than those enumerated herein to be performed by the auxiliary police service.

**5. IDENTIFICATION.** An identification card and such other insignia of evidence of identity as the chief of police may prescribe shall be issued to each member who shall carry the card and display such other evidence of identification at all times while serving as a volunteer auxiliary policeman. Such member shall surrender such card, insignia or evidence of identification upon termination of his membership.

**5.5. WORKER'S COMPENSATION BENEFITS.** Members of the auxiliary police service shall be provided worker's compensation benefits as set forth in s. 350-237.

**6. TERMINATION OF MEMBERSHIP.** The membership of any volunteer auxiliary policeman may be terminated by the chief of police at any time where the interests of the organization require such action. The decision of the chief of police as to such termination shall be final. Any member may resign from the auxiliary police service at any time by notifying the chief of police of such resignation in writing.

**7. CARRYING OF WEAPONS PROHIBITED.** No volunteer auxiliary policeman shall, while on duty or in any training exercise, carry or use any weapon or firearm.

**8. POWERS OF ENTRY ON PRIVATE PROPERTY RESTRICTED.** No member of the auxiliary police service shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant except when immediately accompanied by a regular member of the police force of this city who then and there requests the aid of such auxiliary police member to aid him in the enforcement of the law.

9. MEMBERSHIP MAY BE LIMITED. The chief of police may by order diminish or expand the membership of the auxiliary police service as the needs of the police service require within the limit hereinbefore established.

10. FALSE IMPERSONATION. Any person not being a member, who wears, carries or displays an auxiliary police service identification card or insignia or otherwise falsely represents himself or herself to be a member of the volunteer auxiliary police service shall, upon conviction thereof, forfeit a sum not to exceed \$200, and in default of payment be imprisoned not to exceed 30 days.

11. The auxiliary police service shall terminate and cease to exist upon repeal of this section of the code by the common council.

**312-14. Neighborhood Advisory Councils on Crime Prevention. 1. CREATION.** a. There are created neighborhood advisory councils on crime prevention, one council in each police district, which are attached to the police department.

b. Each council shall consist of:

b-1. Citizen members who shall be appointed by common council members whose districts are included in any police district, with each common council member appointing only one member to a neighborhood advisory council.

b-2. A member of the police department crime prevention staff.

b-3. The district police captain as an ex-officio member.

b-4. Three at-large citizen members to be elected by a vote of the other council members.

c. Citizen members shall serve a one-year term, and may be reappointed or reelected by the appropriate authority, and shall be selected according to the following criteria:

c-1. Members shall be residents of the district whose council they are appointed to, or active in business, community work or volunteer activities within the district for at least one year prior to appointment.

c-2. Block captains, police auxiliaries, community group staff members and others with a prior background in crime prevention shall be given preference as members.

c-3. To the extent possible, neighborhood advisory councils shall reflect the ethno-demographic characteristics of the specific districts, with geographic representation.

d. Each council shall have 2 co-chairpersons. The district police captain shall be one co-chair. Commencing at the initial meeting and annually thereafter, at a meeting to be designated by council members as the annual meeting of the council, a 2nd co-chair shall be elected to a one-year term of office.

e. Each council shall also elect a recording secretary at the council's annual meeting to a one-year term of office.

f. In the case of a vacancy in the position of an at-large member, council members, excluding at-large members, shall elect a replacement, to serve the remainder of the term, no later than 30 days following the effective date of the vacancy. In the case of a vacancy by a member appointed by a common council member, the common council member shall appoint a successor, to serve the remainder of the term, no later than 30 days following the effective date of the vacancy. The neighborhood advisory council may submit a list of possible successors for consideration to a common council member.

2. PURPOSE. The purpose of each neighborhood advisory council on crime prevention shall be:

a. To foster community commitment to and participation in crime prevention consistent with the crime prevention plan established in the citywide crime prevention program report approved by the common council.

b. To develop, implement and maintain linkages with organizations in and residents of the district in addressing mutual crime prevention problems and concerns.

c. To assist the police department crime prevention effort through the dissemination of crime prevention information and technical assistance to community based crime prevention efforts and citizens throughout the district.

d. To monitor the implementation of district crime prevention activities as established in the citywide crime prevention plan and to make recommendations for improving the delivery of these services.

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3. DUTIES. Each neighborhood advisory council on crime prevention shall:

a. Establish annually, in January, district crime prevention goals which shall be submitted to the special committee on crime prevention for review and approval.

b. Receive and discuss relevant crime information from the police department.

c. Assist in the distribution of crime information to area community groups, schools, block watch groups, congregations, business associations and other local entities having an interest in the development of crime prevention efforts.

d. Advise neighborhood groups and district residents on crime prevention programs, services and activities offered by the police department and as may be conducted by groups and organizations within the district.

e. Receive on-going reports on district level crime prevention activities from the police department and the community.

f. Provide feedback to the police department and community groups on the effectiveness of activities implemented.

g. Make recommendations for improving district level crime prevention efforts to appropriate oversight agencies.

4. STANDING COMMITTEES. The co-chairpersons of each council shall appoint at the annual meeting chairpersons to head the following committees to be composed of citizen members of the council:

a. An action program committee to coordinate such tasks necessary for the design, development and implementation of the council's annual action program.

b. A fund-raising committee to explore council fund-raising options and to coordinate any fund-raising activities the council may choose to pursue. The chair of the fund-raising committee shall serve as the treasurer of the council and shall be responsible for council compliance with all financial reports required by the city. The chair shall also be responsible for maintaining proper financial records of funds secured through independent council effort.

c. A publicity committee to maintain community contact and to assure dissemination of crime and crime prevention to organizations and citizens throughout the district.

d. Other committees that may be necessary to promote the cause of crime prevention.

5. BUDGET ADMINISTRATION. Any budget secured for the individual councils by the special committee on crime prevention, through any agency of government, shall be administered by the committee, and be limited in use to reimbursement of stationery, duplication and postage costs incurred by members in the execution of council duties and responsibilities. Funds raised by an individual council through its own fund-raising activities shall be considered the revenue of that council only, to be used in accordance with the duties of councils set forth in this section.

6. RULES. The special committee on crime prevention shall prescribe rules of procedure for the conduct of council business.

**312-15. Registers of Policemen and Arrests; Reports to Council.** The chief of police shall keep in his office an official department record in which shall be entered the name of each policeman, his number and his place of residence, specifying the ward and street and the time of any removal from office or the occurring of a vacancy. He shall also keep in his office an official department record in which shall be entered the true name, if known, and if not known, a name under an alias, of every person arrested by any policeman, with the date of arrest, with such other facts as he may deem proper and necessary, and report to the common council at the end of each month the number of arrests made during such month, with the causes of arrest, and he shall also give such other information as the common council may from time to time require.

**312-17. Inspection of Records.** The mayor, the district attorney of Milwaukee county, the city attorney and the committee on judiciary-legislation of the common council or any of them are authorized to inspect at all times any or all the books directed to be kept by the chief of police; but no person not herein named shall be permitted to examine any of said books without permission in writing from the mayor or chief of police, except that policeman may be allowed to examine the book in which shall be entered the statement of the offenses committed and of suspicious persons and places.

## **Police Department 312-19**

**312-19. Badge of Office; Uniform.** **1. BADGE TO BE WORN.** The chief of police and policemen when on duty shall wear the badge or insignia of their office on the outside of the outermost garment over the left breast, conspicuously displaying the same so that the entire surface thereof may be seen except when caution may dictate that the same shall not be exposed.

**2. UNIFORM REQUIRED.** Every member of the police force of the city, except the chief of police and detectives, shall on all occasions, when on duty, unless otherwise directed by the chief of police, wear such badge or insignia and also a uniform, to be made of such material and trimmed in such manner and style as may be prescribed by the chief of police.

**3. NAME TAG.** Every uniformed member of the police force of the city shall on all occasions when on duty wear on the breast of his or her outer garment a name tag containing the last name of the member. This name tag will be conspicuously displayed at all times when the member is on duty.

**312-21. Copies of Police Records and Record Searches.** The police department shall make certain reports and photocopying services available to the public on a user fee basis. See s. 81-38.5 for the fees therefor.

**312-23. Community Safety.** The police department shall:

**1.** In consultation with the safety commission, establish standards for the location of school crossing guards, conduct studies of locations for the placement of new crossing guard protection, the relocation of protection or discontinuation of service, and recommend to the common council the need for crossing guards based on the established standards and recommendations.

**2.** Administer the school crossing guard program.

**3.** Furnish school children, industrial workers, official and nonofficial groups with educational materials such as publications, films, radio and television spot announcements, and exhibits for the promotion of safety within the financial resources established by the common council.

**4.** Be responsible for seeing that the defensive driving course is conducted in accordance with the program guidelines adopted by common council resolution.

**312-25. School Crossing Guards.** **1. DUTIES.** School crossing guards, assigned to serve as crossing guards, are authorized to direct and assist school children, other pedestrians and vehicular traffic at school crossings at times when public and private schools are in session.

**2. UNIFORMS.** All school crossing guards, serving as crossing guards, shall be provided with a uniform and badge as prescribed by the chief of police and which must be worn while on duty.

**3. TRAINING.** Training and supervision shall be provided by the police department.

## 312-(HISTORY) Police Department

### LEGISLATIVE HISTORY CHAPTER 312

#### Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

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312-01	am	010871	11/6/2001	11/22/2001
312-13-3	am	010905	11/27/2001	12/14/2001
312-13-5.5	am	912458	5/26/92	6/12/92
312-23	cr	891615	12/19/89	1/13/90
312-23-1	am	010854	12/17/2001	1/1/2002
312-23-1	am	040788	2/1/2005	2/18/2005
312-25	rn from:	891615	12/19/89	1/13/90
	340-25			
312-25-1	am	010854	12/17/2001	1/1/2002
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